

House Bill 507

By: Representatives Porter of the 143rd, Parrish of the 156th, Morris of the 155th, Freeman of the 140th, and Lord of the 142nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the
2 number of judges of superior court, so as to provide for a third judge of the superior courts
3 of the Dublin Judicial Circuit; to provide for the appointment of such additional judge by the
4 Governor; to provide for the election of successors to the judge initially appointed; to
5 prescribe the power of such judge; to prescribe the compensation, salary, and expense
6 allowance of such judge to be paid by the State of Georgia and the counties comprising said
7 circuit; to authorize the judges of such circuits to divide and allocate the work and duties
8 thereof; to provide for the manner of impaneling jurors; to provide for an additional court
9 reporter for such circuit; to authorize the governing authority of the counties that comprise
10 such circuit to provide facilities, office space, supplies, equipment, and personnel for such
11 judge; to declare inherent authority; to provide for related matters; to provide an effective
12 date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
16 judges of superior courts, is amended by revising paragraph (16) to read as follows:

17 "(16) Dublin ~~2~~ 3"

18 **SECTION 2.**

19 One additional judge of the superior courts is added to the Dublin Judicial Circuit, thereby
20 increasing to three the number of judges of said circuit.

21 **SECTION 3.**

22 Said additional judge shall be appointed by the Governor for a term of office beginning on
23 the date of his or her appointment and continuing through December 31, 2008, and until his
24 or her successor is elected and qualified; such judge shall take office on the date of his or her

1 appointment by the Governor. His or her successor shall be elected in the manner provided
2 by law for the election of judges of the superior courts of this state at the general election in
3 November, 2008, for a term of four years beginning on the first day of January, 2009, and
4 until his or her successor is elected and qualified. Future successors shall be elected at the
5 general election each four years after such election for terms of four years and until their
6 successors are elected and qualified. They shall take office on the first day of January
7 following the date of the election. Such elections shall be held and conducted in the manner
8 provided by law for the election of judges of the superior courts of this state.

9 **SECTION 4.**

10 Every person who offers for nomination and election as one of the judges of said superior
11 courts of the Dublin Judicial Circuit of Georgia shall designate with the proper authority in
12 all elections the specific place for which he or she offers by naming the incumbent judge
13 whom he or she desires to succeed; and thereupon he or she shall be qualified, if otherwise
14 qualified, to run for said specific judgeship and no other. In the event there is no incumbent
15 judge in the place for which he or she desires to offer, the candidate shall qualify by
16 announcing his or her intention to run for the office for which there is no incumbent.

17 **SECTION 5.**

18 The additional judge of the superior courts of the Dublin Judicial Circuit of Georgia shall
19 have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities
20 of the present judges of the superior courts of this state. Any of the judges of the Dublin
21 Judicial Circuit may preside over any cause, whether in their own or in other circuits, and
22 perform any official act as judge thereof, including sitting on appellate courts as provided by
23 law.

24 **SECTION 6.**

25 The qualifications of such additional judge and his or her successors shall be the same as are
26 now provided by law for all other superior court judges; and his or her compensation, salary,
27 and expense allowance shall be the same as that of the other judges of the superior courts of
28 the Dublin Judicial Circuit. The provisions, if any, heretofore enacted for the
29 supplementation by the counties of said circuit of the salary of the judge of the superior
30 courts of the Dublin Judicial Circuit shall also be applicable to the additional judge provided
31 for by this Act.

SECTION 7.

All writs and processes in the superior courts of the Dublin Judicial Circuit shall be returnable to the terms of said superior court as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law; and all terms of said courts shall be held in the same manner as though there were but one judge, it being the intent and purpose of this Act to provide three judges coequal in jurisdiction and authority to attend to and perform the functions, powers, and duties of the judges of said superior courts and to direct and conduct all hearings and trials in said courts.

SECTION 8.

The three judges of the superior courts of the Dublin Judicial Circuit of Georgia in transacting the business of said courts and in performing their duties and responsibilities shall share, divide, and allocate the work and duties to be performed by each. In the event of any disagreement among said judges in any respect hereof, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling. The judge with the longest period of time of service shall be the senior judge. The chief judge shall have the right to appoint referees of the juvenile courts of the counties comprising said circuit; and, in the event a juvenile court is established in any of said counties within said circuit, as provided by law, the chief judge shall appoint the judge of said court as provided by law. The three judges of the superior courts of the Dublin Judicial Circuit shall have, and they are clothed with, full power, authority, and discretion to determine from time to time, and term to term, the manner of calling the dockets and fixing the calendars and order of business in said courts. They may assign to one of said judges the hearing of trials by jury for a term, and the hearing of all other matters not requiring a trial by a jury to one of the other judges; and they may rotate such order of business at the next term. They may conduct trials by jury at the same time in the same county or otherwise within said circuit, or they may hear chambers business and motion business at the same time at any place within said circuit. They may provide in all respects for holding the superior courts of said circuit so as to facilitate the hearing and determination of all the business of said courts at any time pending and ready for trial or hearing. In all such matters relating to the manner of fixing, arranging for, and disposing of the business of said courts, and making appointments as authorized by law where the judges thereof cannot agree or shall differ, the opinion or order of the chief judge shall control.

SECTION 9.

The drawing and impaneling of all jurors, whether grand, petit, or special, may be by each

1 of the judges of the superior courts of said circuit; and they, or each of them, shall have full
2 power and authority to draw and impanel jurors for service in said courts so as to have jurors
3 for the trial of cases before each of said judges separately or before each of them at the same
4 time.

5 **SECTION 10.**

6 The three judges of the Dublin Judicial Circuit shall be authorized and empowered to appoint
7 an additional court reporter for such circuit, whose compensation shall be as now or hereafter
8 provided by law.

9 **SECTION 11.**

10 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
11 superior courts of the Dublin Judicial Circuit may bear teste in the name of any judge of the
12 Dublin Judicial Circuit and, when issued by and in the name of any judge of said circuit,
13 shall be fully valid and may be heard and determined before the same or any other judge of
14 said circuit. Any judge of said court may preside over any cause therein and perform any
15 official act as judge thereof.

16 **SECTION 12.**

17 Upon request of any judge of the circuit, the governing authorities of the counties comprising
18 the Dublin Judicial Circuit are authorized to furnish the judges of said circuit with suitable
19 courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and
20 such personnel as may be considered necessary by the court to the proper function of the
21 court. All of the expenditures authorized herein are declared to be an expense of court and
22 payable out of the county treasury as such.

23 **SECTION 13.**

24 Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and
25 responsibilities of superior court judges provided by the Constitution and statutes of the State
26 of Georgia.

27 **SECTION 14.**

28 This Act shall become effective upon its approval by the Governor or upon its becoming law
29 without such approval.

30 **SECTION 15.**

31 All laws and parts of laws in conflict with this Act are repealed.